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SUBJECT: Air strike in Afghanistan - #18 in Geneva 2007

Communications Log

1. Mission has received a communication from the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, regarding the U.S. led Coalition air strike in Zarghun Sha, Afghanistan. This communication has been sent via e-mail to IO-RHS and is number 18 on the Geneva 2007 Communications Log.

2. Begin text of letter:
Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Commission on Human Rights resolution 2004/37, to General Assembly resolution 60/251 and to Human Rights Council decision 2006/102.

I am writing concerning information I have received about a series of recent incidents in which civilians are reported to have been killed in Afghanistan in the course of United States air strikes. According to information I have received on 18 June, 2007 seven children were killed in a US led Coalition air strike in Zarghun Shah, Paktika Province, Afghanistan. It was reported that the children were students at a madrassa situated in the targeted compound which also included a mosque. Reported Coalition statements include that "Coalition Forces confirmed the presence of nefarious activity occurring at the site before getting approval to conduct an air strike on the location" and later that the Coalition did not believe any children were in or around the compound during the day.

According to information I have received, 21 civilians were killed by US led forces in an air strike on 9 May, 2007 in Sangin District, Helmand Province. It is my understanding that US led forces were ambushed by Taleban forces on 8 May, 2007 25km north of Sangin town killing one soldier and in response, air strikes were made on three villages killing a number of persons. It was reported that a US military spokesperson Major William Mitchell confirmed military operations in the area, but denied that he had received reports of civilian casualties.

According to information I have received, over fifty civilians were killed during the week beginning 30 April, 2007 in Shindand district, Herat Province in the course of land and air strikes conducted by US led forces. My understanding is that whilst UN and Afghan police reported the above civilian deaths, US led forces reported that they had killed 136 combatants and were unaware of any civilian deaths.

Without in any way wishing to pre-judge the accuracy of the information received, it is my responsibility under the mandate provided to me by the Commission on Human Rights and extended by the Human Rights Council, to seek to clarify cases brought to my attention. Since I am expected to report on this case to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Is the information according to which United States led forces killed 78 civilians in Afghanistan in the above three specified incidents accurate?

2. Does your Excellency's Government intend to provide compensation to the families of the civilians killed above? If so, what steps have been taken in this direction?

3 Kindly provide a copy of the investigation(s) carried out into the above incidents. I am particularly interested in information related

to two issues. First, how was it determined whether each decision to resort to lethal force complied with the applicable international law? Second, how was it determined whether the persons killed were civilians or combatants?

¶4. Kindly provide details of any disciplinary action or criminal proceedings against those soldiers found to be responsible.

I would appreciate a response within sixty days. I undertake to ensure that your Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Philip Alston Special Rapporteur on extrajudicial, summary or arbitrary executions

End of text.

Chammas

NNNN